



To the Honorable Council  
City of Norfolk, Virginia

September 11, 2018

From: Leonard M. Newcomb III, CFM, Acting Planning Director *LMN*

Subject: **Courtney's Daycare**, for a Conditional Use Permit to operate a Day Care Home with up to 9 children on a lot with less than 6,000 square feet of lot area at 9526 Warwick Avenue.

Reviewed: *[Signature]*  
Wynter C. Benda, Chief Deputy City Manager

Ward/Superward: 5/6

Approved: *[Signature]*  
Douglas L. Smith, City Manager

Item Number: **C-11**

I. **Staff Recommendation:** Approval.

II. **Planning Commission Recommendation:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.

III. **Request:** Conditional Use Permit to operate a Day Care Home with up to 9 children on a lot with less than 6,000 square feet of lot area.

IV. **Applicant:** Courtney Magee

V. **Description:**

- The site is located on the east side of Warwick Avenue, between E. Balview and Virgilina Avenue within the Bayview neighborhood.
- The request would allow the applicant to operate a Day Care Home with up to nine children.

VI. **Historic Resources Impacts:**

The site is not located within a federal, state, or local historic district.

Staff contact: Matthew Simons at (757) 664-4750, [matthew.simons@norfolk.gov](mailto:matthew.simons@norfolk.gov)

**Attachments:**

- Proponents and Opponents
- Staff Report to CPC dated August 23, 2018 with attachments
- Ordinance

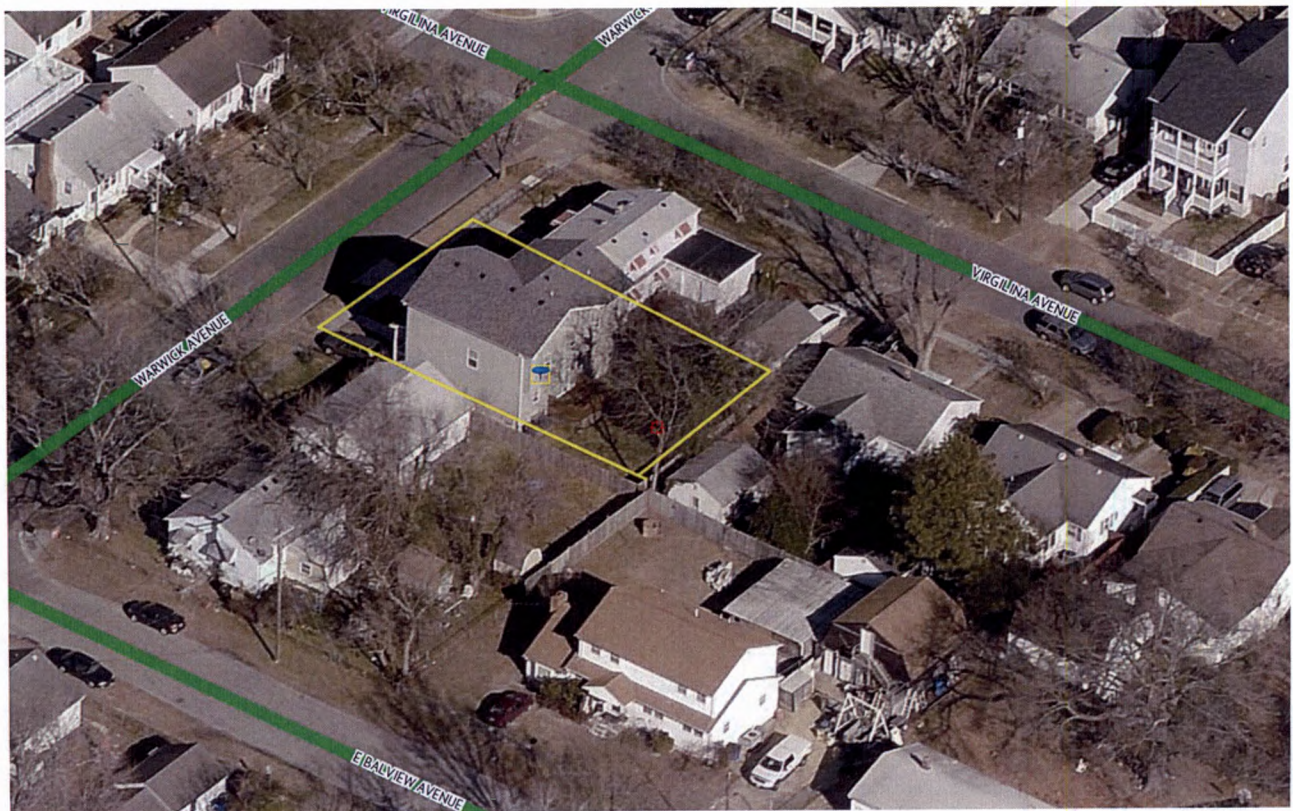


**City Planning Commission Public Hearing: August 23, 2018**

Executive Secretary: Leonard M. Newcomb, III, CFM *L.M.N.*

Staff Planner: Matthew Simons, AICP, CZA, CFM *M.S.*

Staff Report	Item No. 5	
Address	9526 Warwick Avenue	
Applicant	Courtney's Daycare	
Request	Conditional Use Permit	Day care home with up to 9 children on a lot with less than 6,000 square feet of lot area
Property Owner	Robert & Courtney Magee	
Site Characteristics	Site/Building Area	5,000 square feet/2,240 square feet
	Future Land Use Map	Single-Family Traditional
	Zoning	SF-10 (Single-Family)
	Neighborhood	Bayview
	Character District	Coastal
Surrounding Area	North	SF-10: Single-family residential
	East	SF-10: Single-family residential
	South	SF-10: Single-family residential
	West	SF-10: Single-family residential





**A. Summary of Request**

- The site is located on the east side of Warwick Avenue, between E. Balview and Virgilina Avenue within the Bayview neighborhood.
- The request would allow the applicant to operate a Day Care Home with up to nine children.

**B. Plan Consistency**

The proposed Conditional Use Permit is consistent with *plaNorfolk2030*, which designates this site as Single-Family Traditional.

**C. Zoning Analysis**

**i. General**

- On any single-family residential lot, with a lot size between 5,000-5,999 square feet, a Conditional Use Permit is required to operate any Day Care Home having between five to nine children.
- A Certificate of Occupancy will be required to ensure that the home can safely accommodate a Day Care Home with nine children.

**ii. Parking**

- The site can accommodate at least three off-street parking spaces, which complies with *Zoning Ordinance* requirements.
  - The driveway will be expanded or reconfigured to accommodate at least three parking spaces.
  - The existing garage counts for one parking space.

**iii. Flood Zone**

The property is located in the X (Low to Moderate) Flood Zone, which is a low-risk flood zone.

**D. Transportation Impacts**

- Institute of Transportation Engineers figures estimate that this Day Care Home with nine children will generate up to 40 vehicle trips per day.
- Warwick Avenue adjacent to the site is not an identified priority corridor in *The City of Norfolk Bicycle and Pedestrian Strategic Plan*.

**E. Historic Resources Impacts**

The site is not located within a federal, state, or local historic district.

**F. Public Schools Impacts**

N/A

**G. Environmental Impacts**

No environmental impacts are anticipated with the proposed day care home.

**H. AICUZ Impacts**

- The site is located within a Noise Zone with a Day-Night Average Sound Level of 60-65 Decibels (DNL 70) as identified within the Hampton Roads Regional Joint Land Use Study (JLUS), Air Installations Compatibility Use Zones (AICUZ) planning map.
  - The use of the site for a day care home is a compatible use within the DNL 60 Noise Zone.

**I. Surrounding Area/Site Impacts**

As required by the *Zoning Ordinance*, a six-foot solid fence shall be maintained on the property around the outdoor play area.

**G. Payment of Taxes**

The owners of the property are current on all taxes.

**H. Civic League**

Notice was sent to the Bayview Civic League on July 11.

**I. Communication Outreach/Notification**

- Legal notice was posted on the property on July 10.
- Letters were mailed to all property owners within 300 feet of the property on July 11.
- Legal notification was placed in *The Virginian-Pilot* on August 9 and August 16.

**J. Recommendation**

Staff recommends that the conditional use permit be **approved**, subject to the following conditions:

- (a) The number of children shall be limited to a maximum of nine (9), excluding any children who are members of the family which reside at the home.
- (b) No zoning approval shall be granted to permit the use authorized by this conditional use permit until the applicant obtains a certificate of occupancy to reflect the maximum occupancy allowed.
- (c) The hours for use of the outdoor play area shall be limited to 8:00 a.m. until 6:00 p.m., Monday through Friday.
- (d) The site shall conform with and maintain the following site conditions and no business license shall be issued until the following conditions have all been implemented fully on the site:
  - a. An opaque fence not less than six (6) feet in height shall be maintained around the outdoor play area, in conformity with the regulations for "Fences and walls" set forth in section 5.11.6 of the *Norfolk Zoning Ordinance*.



**Attachments**

Conditional Use Permit Review Standards

Overview map

Location map

Zoning map

Application

Notification list of all property owners within 300 feet of the site

Notice to the Bayview Civic League

## **Proponents and Opponents**

### **Proponents**

Courtney Magee – applicant  
9526 Warwick Avenue  
Norfolk, VA 23503

### **Opponents**

None

08/24/2018 lsb

Form and Correctness Approved *RAP*

By *[Signature]*  
Office of the City Attorney

Contents Approved: *M.S.*

By *[Signature]*  
DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No. 47,357

C-11  
AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE THE OPERATION OF A DAYCARE HOME NAMED "COURTNEY'S DAYCARE" ON PROPERTY LOCATED AT 9526 WARWICK AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a conditional use permit is hereby granted to authorize the operation a Day Care Home named "Courtney's Daycare" as an accessory use.

Section 2:- That the full extent of the property or properties where the permit or permits described above is hereby made effective, upon the date set forth below, is described as follows:

Property fronts 50 feet, more or less, along the eastern line of Warwick Avenue beginning 50 feet, more or less, from the southern line of Virgilina Avenue and extending southwardly; premises numbered 9526 Warwick Ave.

Section 3:- That the conditional use permits granted herein shall be subject to all of the general conditions set forth in section 2.4.8.D of the Norfolk Zoning Ordinance and all of the following additional conditions, requirements, and limitations:

- (a) The operation of the accessory use of Day Care Home must be conducted in accordance with the applicable performance standards that are set forth in section 4.3 of the Norfolk Zoning Ordinance adoption of this ordinance.
- (b) The number of children cared for shall be limited to no more than nine (9), excluding any children who are members of the family which reside at the home.
- (c) No zoning approval shall be granted to permit the use authorized by this conditional use permit until

the applicant obtains a certificate of occupancy to reflect the maximum occupancy allowed.

- (d) The hours for use of the outdoor play area shall be limited to 8:00 a.m. until 6:00 p.m., Monday through Friday.
- (e) The site shall conform with and maintain the following site conditions and no business license shall be issued until the following conditions have all been implemented fully on the site:
  - (1) An opaque fence not less than six (6) feet in height shall be maintained around the outdoor play area, in conformity with the regulations set forth in section 5.11.6 of the Norfolk Zoning Ordinance, entitled "Fences and Walls."

Section 4:- That the City Council hereby determines that the conditional use permit or permits granted herein comply with each of the standards set forth in section 2.4.8.C of the Norfolk Zoning Ordinance.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

Adopted by Council September 11, 2018  
Effective September 11, 2018

TRUE COPY  
TESTE:

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RICHARD ALLAN BULL, CITY CLERK

BY: 

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CHIEF DEPUTY CITY CLERK



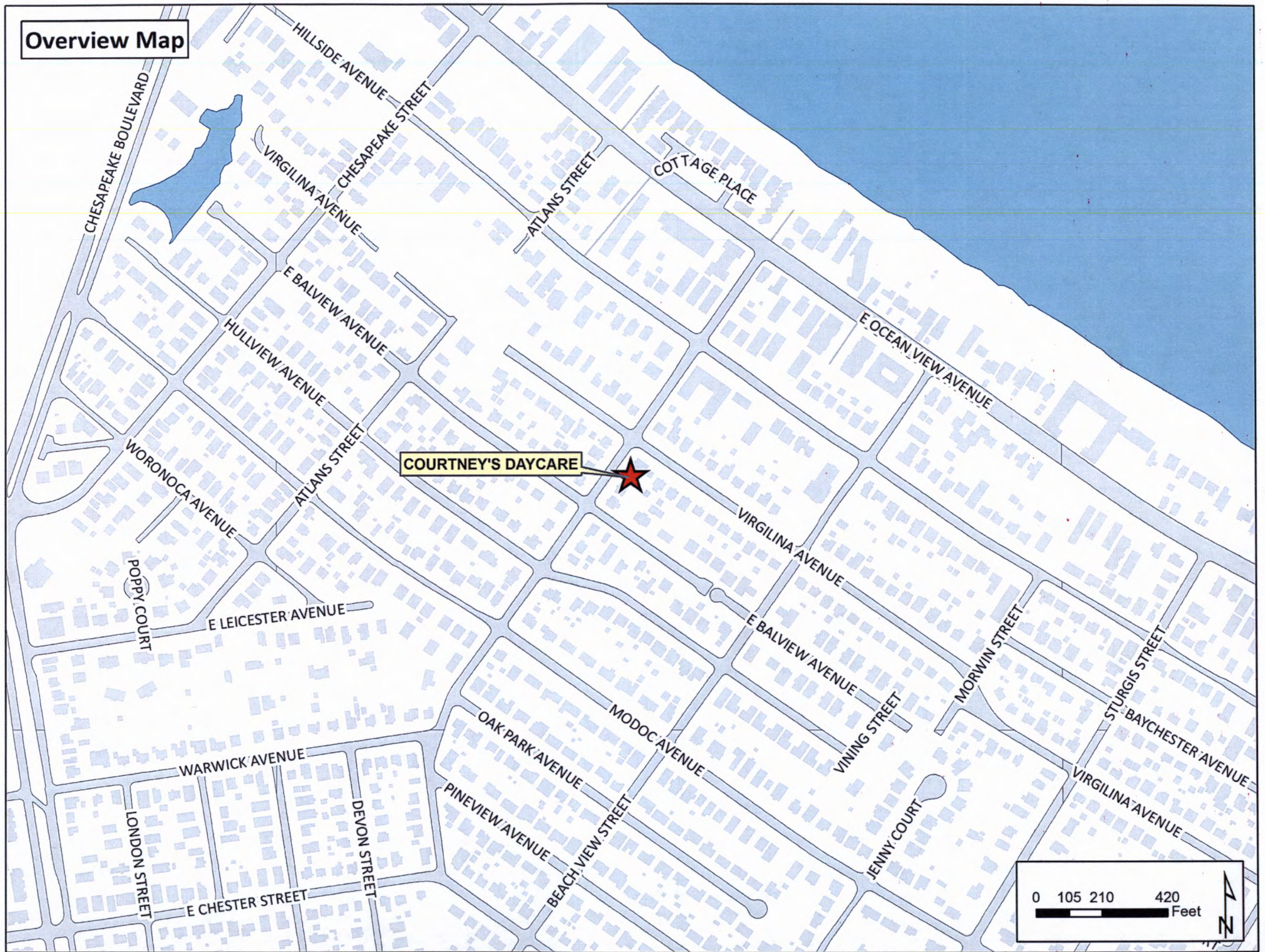
#### 2.4.8.C. CONDITIONAL USE PERMIT REVIEW STANDARDS

A Conditional Use Permit may be approved if the applicant demonstrates that the proposed conditional use:

- 1) Is consistent with the purposes, goals and policies of the comprehensive plan and other applicable city-adopted plans;
- 2) Complies with all applicable zoning district-specific standards in Article 3. Zoning Districts;
- 3) Complies with all applicable use-specific standards in Article 4. Performance Standards;
- 4) Complies with all applicable development and design standards in Article 5. Development Standards;
- 5) Complies with all relevant subdivision and infrastructure standards in Chapter 42.5 of City Code;
- 6) Is appropriate for its location and is compatible with the general character of surrounding lands and the types, scale, and intensity of uses allowed in the zoning district where proposed;
- 7) Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands;
- 8) Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, night-time activity, and other site elements;
- 9) Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
- 10) Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- 11) Is served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- 12) Maintains adequate parking, loading and other necessary facilities to serve the proposed use;
- 13) Will not substantially diminish or impair the value of the land within the neighborhood in which it is located.
- 14) Will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various Conditional Use Permits of all types on the immediate neighborhood and the effect of the proposed type of Conditional Use Permit on the city as a whole;
- 15) Complies with all other relevant city, state and federal laws and standards; and
- 16) Is required by the public necessity, convenience, general welfare, or good zoning practice.

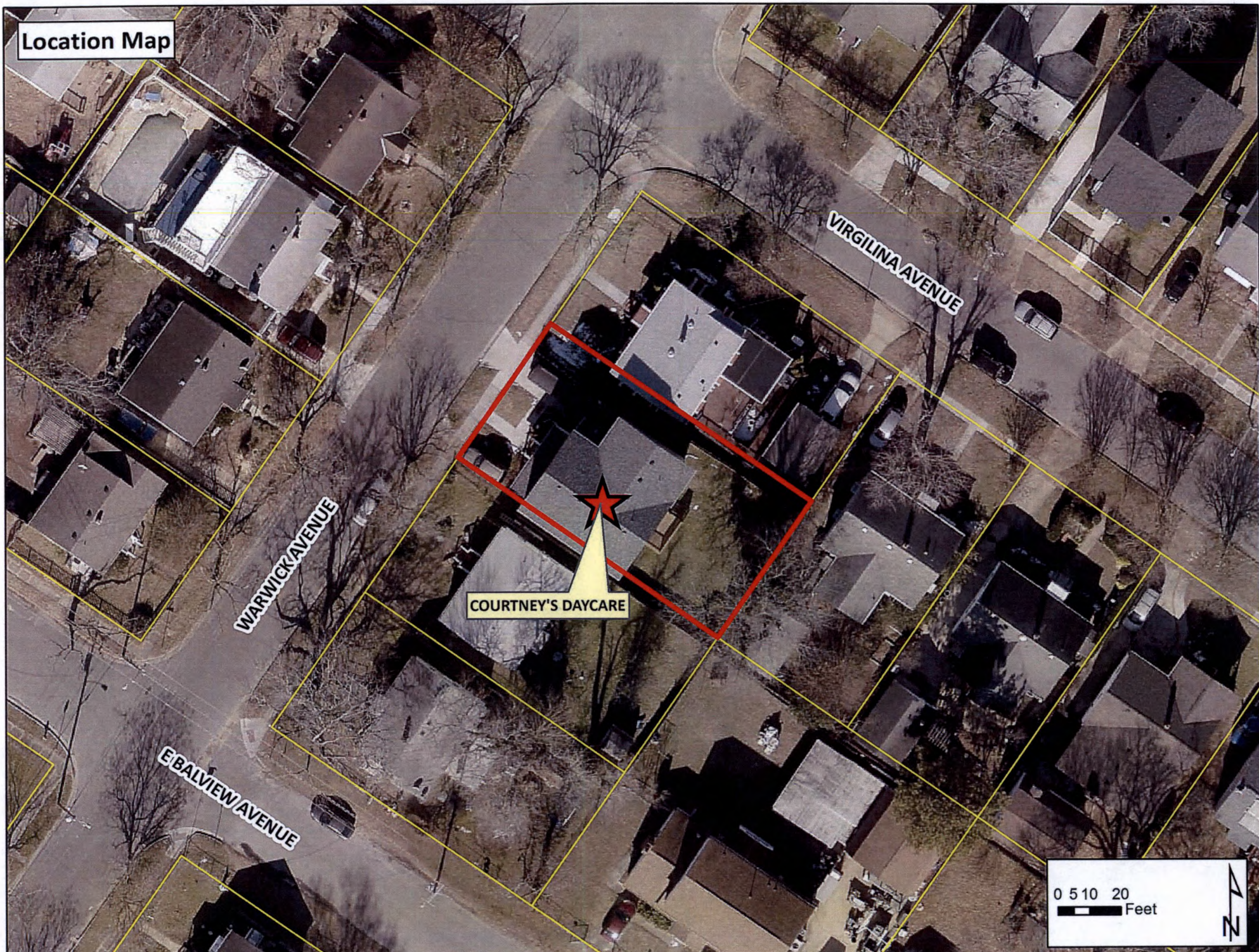


# Overview Map





Location Map



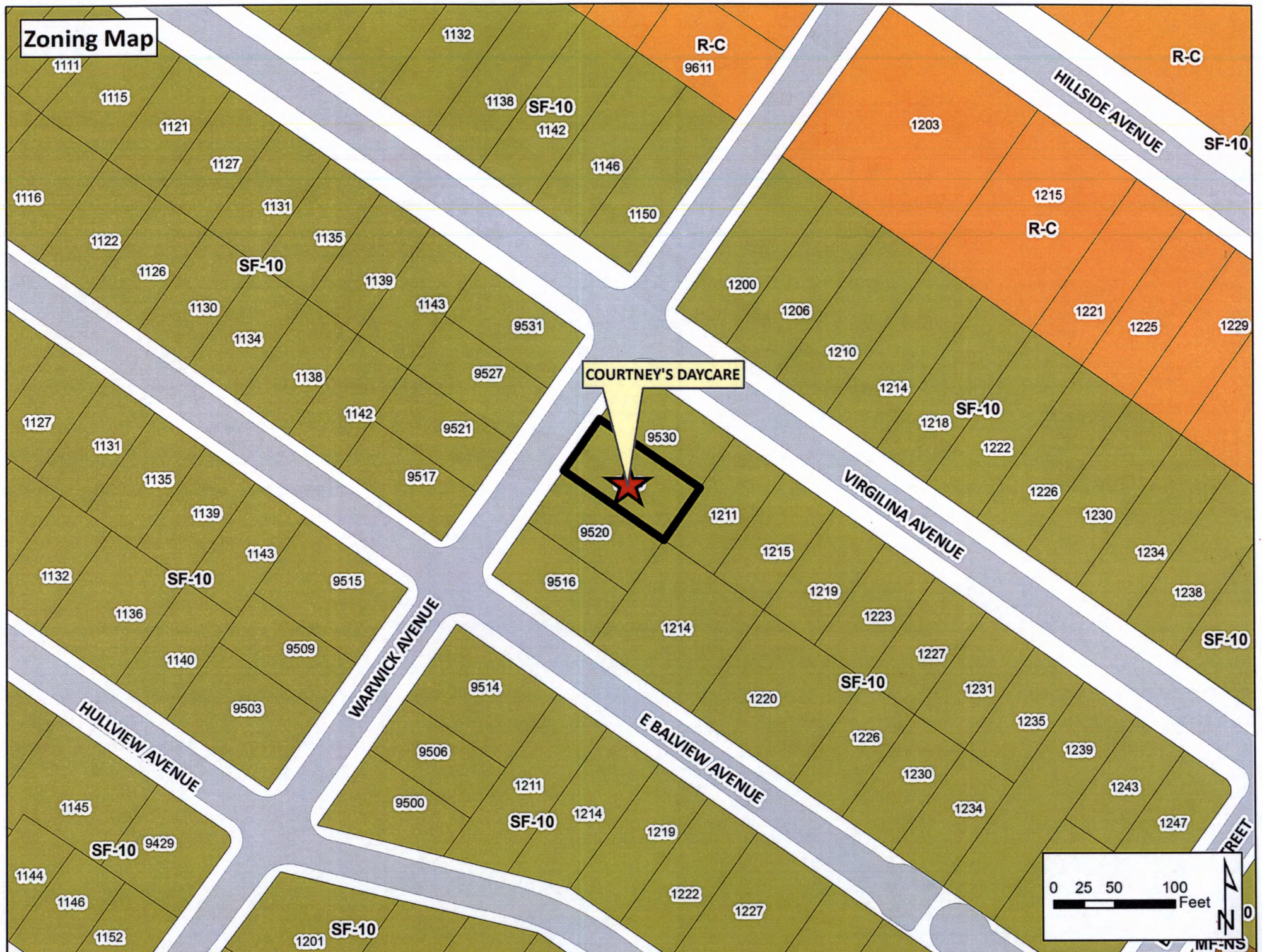
COURTNEY'S DAYCARE

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Feet

N  
↑



# Zoning Map







**APPLICATION  
CONDITIONAL USE PERMIT  
(Please print)**

Date 6-26-18

**DESCRIPTION OF PROPERTY**

Address: 9526 WARWICK AVE NORFOLK VA 23503

Existing Use of Property: HOME / NAVY COH

Proposed Use: STATE LICENSED DAYCARE (UP TO 9 children)

Current Building Square Footage: 2300 Proposed Building Square Footage: \_\_\_\_\_

Trade Name of Business (if applicable): Courtney's DAYCARE

**APPLICANT\***

1. Name of applicant: (Last) MAGEE (First) COURTNEY (MI) L

Mailing address of applicant (Street/P.O. Box): 9526 WARWICK AVE

(City): NORFOLK (State): VA (Zip Code): 23503

Daytime telephone number of applicant: ( ) <sup>301</sup> 690 5064

E-mail address: Courtneylouise.Magee@hotmail.com

**AUTHORIZED AGENT\* (if applicable)**

2. Name of applicant: (Last) \_\_\_\_\_ (First) \_\_\_\_\_ (MI) \_\_\_\_\_

Mailing address of applicant (Street/P.O. Box): \_\_\_\_\_

(City): \_\_\_\_\_ (State): \_\_\_\_\_ (Zip Code): \_\_\_\_\_

Daytime telephone number of applicant: ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

E-mail address: \_\_\_\_\_

Application  
Conditional Use Permit  
Page 2

**PROPERTY OWNER\***

3. Name of property owner: (Last) MAGEE (First) COURTNEY (MI) 2

Mailing address of property owner (Street/P.O. box): 9526 WARWICK AVE

(City): NORFOLK (State): VA (Zip Code): 23503

Daytime telephone number of owner: (34) 690 5064

E-mail address: COURTNEYLOUISE.MAGEE@hotmail.com

\*(If applicant/agent/property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

**CIVIC LEAGUE INFORMATION**

Civic League contact: LINDA LUNDQUIST

Date meeting attended/held: 7-19-18

Ward/Super Ward information: \_\_\_\_\_

**CERTIFICATION**

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Courtney Magee Sign: Courtney Magee 06-26-18  
(Property Owner) (Date)

Print name: Courtney Magee Sign: Courtney Magee 06-26-18  
(Applicant) (Date)

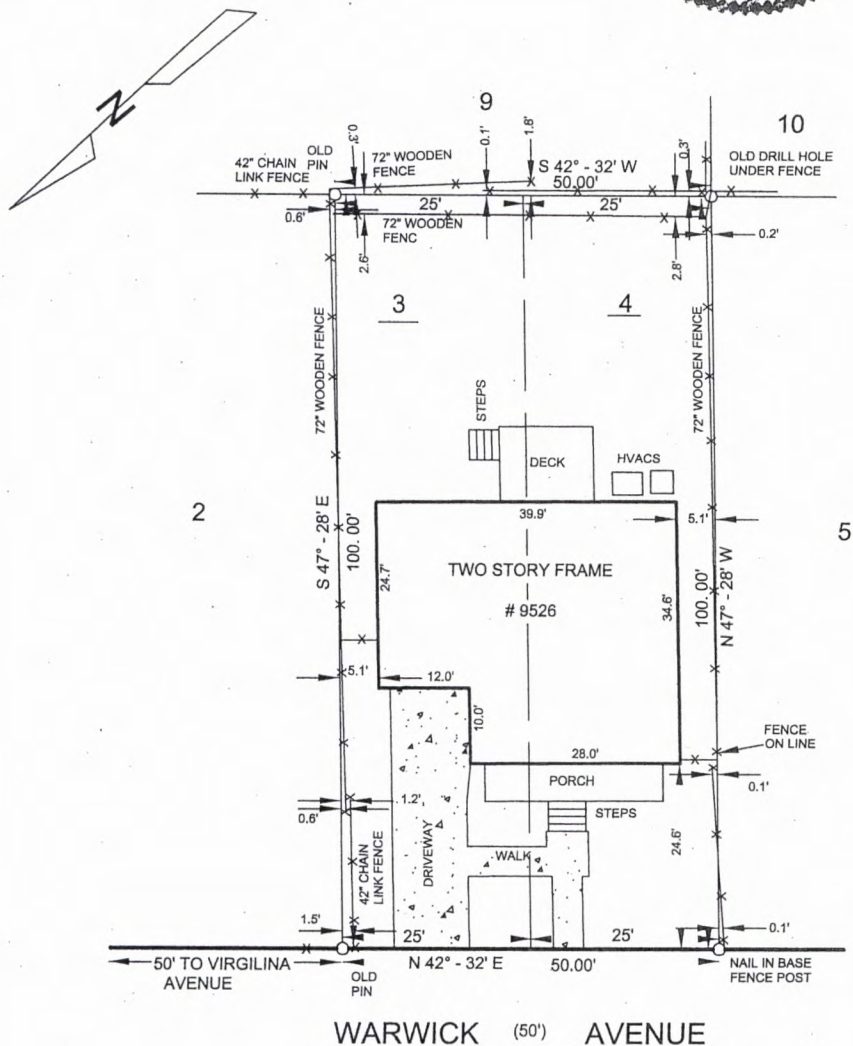
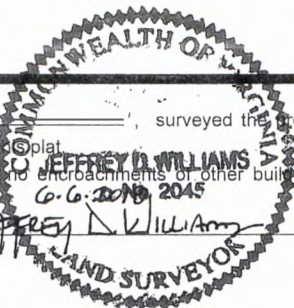
(If Applicable)

Print name: \_\_\_\_\_ Sign: \_\_\_\_\_  
(Authorized Agent Signature) (Date)



This is to certify that I, on JUNE 6, 2018 surveyed the property shown on this plat, and that the title lines and the walls of the buildings are as shown on this plat.  
The buildings stand strictly within the title lines and there are no encroachments of other buildings on the property, except as shown.

Signed: Jeffrey D. Williams



- NOTES
1. PROPERTY APPEARS TO FALL WITHIN ZONE X (UNSHADED) (AREA DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN), AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM MAP FOR THE CITY OF NORFOLK DATED FEBRUARY 17, 2017 MAP NUMBER 5101040028H
  2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY OR MAY NOT SHOW ALL MATTERS OF TITLE AFFECTING PROPERTY SHOWN HEREON.

PHYSICAL SURVEY  
OF  
LOTS 3 AND 4, BLOCK 14, OCEAN VIEW COTTAGE CO.  
FOR (M. B. 7, P. 72-CHESAPEAKE, VA.)  
ROBERT MAGEE AND COURTNEY MAGEE  
NORFOLK, VIRGINIA

SCALE : 1" = 20'

JUNE 6, 2018

**JOHN E. SIRINE AND ASSOCIATES, LTD.**  
SURVEYORS · ENGINEERS · PLANNERS  
VIRGINIA BEACH, VIRGINIA

**Courtney's Daycare-Notification sent to all Property Owners within 300ft**

<b><u>Property Owners</u></b>	<b><u>Property Address</u></b>	<b><u>Mailing Address</u></b>		
Akright, Leon H	1222 Virgilina Ave	Norfolk	VA	23503-2106
Armstrong, Monique M & Alvin	1143 E Balview Ave	Norfolk	VA	23503-2024
Atkinson, Paul J, Sr Et Als	7085 Kirby Cres	Norfolk	VA	23505-4214
Baena, Julian	1218 Virgilina Ave	Norfolk	VA	23503-2106
Balview, Llc	1100 Dawson Cove Cir	Virginia Beach	VA	23455-6822
Bannon, Francis P & Geraldine P	1214 E Balview Ave	Norfolk	VA	23503-2112
Blackwood, James Edwin	7113 Hunters Chase	Norfolk	VA	23518-4449
Bradley, Mary E	1211 E Balview Ave	Norfolk	VA	23503-2111
Brock, Evelyn C	2709 N Nansemond Dr	Suffolk	VA	23435-1521
Brown, Bonnie G	9527 Warwick Ave	Norfolk	VA	23503-2152
Calcagni, Dante	5521 Elizabeth Ave	Norfolk	VA	23502-1805
Collins, Devon G	1227 E Balview Ave	Norfolk	VA	23503-2111
Densmore, Marilyn W	1211 Virgilina Ave	Norfolk	VA	23503-2105
Dragas, Linda Ryder	1009 Windsor Rd	Virginia Beach	VA	23451
Engel, Melville Revocable Living Trust	1309 Yawl Pt	Virginia Beach	VA	23454-2041
Fox, Robert D & Marilyn Benton	1200 Virgilina Ave	Norfolk	VA	23503-2106
Fricovsky, Robert J & Estelle E	9531 Warwick Ave	Norfolk	VA	23503-2152
Garrity, Shawn L	1219 E Balview Ave	Norfolk	VA	23503-2111
Gifford Family, Lc	1547 E Little Creek Rd	Norfolk	VA	23518-4142
Graham, Barry Kevin Et Al	4713 Amberjack Dr	Virginia Beach	VA	23464-6301
Grape, Terry Allen	1222 Hullview Ave	Norfolk	VA	23503-3032
Greco, Jeremiah E	1143 Virgilina Ave	Norfolk	VA	23503-2018
Gregory Family Partnership	2707 Azalea Garden Rd	Norfolk	VA	23513-2698
Key, Cheryl R	1223 Virgilina Ave	Norfolk	VA	23503-2105
King, Steven V & Joan E	2527 Flagstone Ct	Burlington	KY	41005-9341
Latchford, Loretta	1135 Virgilina Ave	Norfolk	VA	23503-2019
Levow, Peter A Et Al	11400 Bronzedale Dr	Oakton	VA	22124
Liebold, Estrella B	1139 E Balview Ave	Norfolk	VA	23503-2024
Magee, Robert & Courtney	9526 Warwick Ave	Norfolk	VA	23503-2151
Mccall, Richard F	9515 Warwick Ave	Norfolk	VA	23503-2115
Montoya, Marcial Trias Jr	1230 Virgilina Ave	Norfolk	VA	23503-2106
Moseley, Verlon E	1215 Virgilina Ave	Norfolk	VA	23503-2105
Mosholder, John E & Eleanor G Family Trust	1215 Hillside Ave	Norfolk	VA	23503-2103
Pascual, Mark S & Vanessa	9503 Warwick Ave	Norfolk	VA	23503-2115
Penrose, Luke W	1210 Virgilina Ave	Norfolk	VA	23503-2106
Reynolds, Kenneth Ross	Psc 822	Fpo	AE	09621-9998
Rice, Berkley M	1134 E Balview Ave	Norfolk	VA	23503-2025
Ring, Robert A & Lucille M	3776 Strathmoor Cir	Virginia Beach	VA	23452-3527
Secretary Of Hud	2401 Nw 23rd St Ste 1a1	Oklahoma City	OK	73107-2420
Sheffield, Dedra C	9517 Warwick Ave	Norfolk	VA	23503-2152
Sherman, Arthur P & Kathleen A	1214 Virgilina Ave	Norfolk	VA	23503-2106
Simmons, Susan	1138 E Balview Ave	Norfolk	VA	23503
Smith, Margaret Et Al	236 Hill Prince Rd	Virginia Beach	VA	23462-4056



Speight, Jeffrey & Theresa	1800 Taft Rd	Chesapeake	VA	23322-2730
Sullivan, John	1226 E Balview Ave	Norfolk	VA	23503-2112
Sullivan, John	5092 School Rd	Virginia Beach	VA	23455-3234
Thornwall, Daryl W & Catherine J	1142 E Balview Ave	Norfolk	VA	23503-2025
Tomassetti, Mark V & Almabella A	9530 Warwick Ave	Norfolk	VA	23503-2151
Ward, Cheryl H Estate Et Al	1214 Hullview Ave	Norfolk	VA	23503-3032
Warwick Ave, Llc	4401 Hudgins Dr	Virginia Beach	VA	23455-6415
Williams, Isaac & Rosario L	1219 Virgilina Ave	Norfolk	VA	23503-2105
Worrell, Carl D & Louise W	1138 Virgilina Ave	Norfolk	VA	23503-2019
Worrell, Carl D & Louise W	8014 Crescent Rd	Norfolk	VA	23505-1504
Yesalusky, Andrea L Et Al	4713 Amberjack Dr	Virginia Beach	VA	23464



## Simons, Matthew

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**From:** Williams, Sherri  
**Sent:** Wednesday, July 11, 2018 2:58 PM  
**To:** 'linda.lundquist@ymail.com'  
**Cc:** Smigiel, Thomas; McClellan, Andria; Southall, Ryan N; Simons, Matthew  
**Subject:** New Planning Commission- 9526 Warwick Ave  
**Attachments:** Application.pdf

Mr./Mrs.

Attached please find the following application tentatively scheduled to be heard at the August 23, 2018 Planning Commission public hearing:

**COURTNEY'S DAYCARE**, for a Conditional Use Permit to operate a daycare home with up to nine children at 9526 Warwick Ave.

The purpose of this request is to allow a daycare home with up to nine children.

*Staff contact: Matt Simons at (757) 664-4750, [matthew.simons@norfolk.gov](mailto:matthew.simons@norfolk.gov)*

Thank You

Sherri Williams  
Planning Technician  
  
Planning Department  
810 Union Street | Suite 508  
Norfolk, VA 23510  
(757) 664-6771

Connect with us:  
[www.norfolk.gov](http://www.norfolk.gov)



## Williams, Sherri

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**From:** Simons, Matthew  
**Sent:** Tuesday, August 21, 2018 6:02 PM  
**To:** Williams, Sherri  
**Subject:** FW: 9526 Warwick Ave. daycare

-----Original Message-----

From: jtjsp8@cox.net [mailto:jtjsp8@cox.net]  
Sent: Tuesday, August 21, 2018 8:45 AM  
To: Simons, Matthew <Matthew.Simons@norfolk.gov>  
Subject: 9526 Warwick Ave. daycare

\*\*\* This is an EXTERNAL email. Please exercise caution. \*\*\*

---

I am against having a daycare which will allow up to nine children because of the traffic and there is not ample parking they only have room for for one car to park on street this is a short block four houses on either side of the road so that means parking will be an issue also the Extra traffic in which we don't need specially with school-age children which are out playing in the afternoon we have navy families that work at night need to sleep during the day we do not need The traffic noise of cars Doors closing children playing which will make it hard for these people to sleep during the day I owned the house directly beside 9526 and there's already parking issues without adding to it Sent from my iPhone

## Williams, Sherri

---

**From:** Simons, Matthew  
**Sent:** Wednesday, August 22, 2018 6:09 AM  
**To:** Williams, Sherri  
**Subject:** Fwd: 9526 Work Ave. parking

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**From:** jtjsp8@cox.net  
**Sent:** Tuesday, August 21, 2018 7:39 PM  
**To:** Simons, Matthew  
**Subject:** 9526 Work Ave. parking

\*\*\* This is an EXTERNAL email. Please exercise caution. \*\*\*

---

As you can see in this picture they have two cars and one spot on the street there will be noise from kids loading and unloading and extra traffic on the street with their cars there is no way to park illegally vehicles will be parked in front of other houses and if they park in their driveway cars will hang over the sidewalk with homeowners vehicles there and it's hard to believe that they will not have any vehicles at their house during Drop off and pick up of kids there will be extra noise loud music engines running door slamming and kids being kids she also states that she will Not let the kids outside to play and will be taking them to a park which will bring more noise during transportation of children I find this unreasonable to ask your neighbors to put up with this thank you for responding to my concerns Jeff Speight





Sent from my iPhone